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# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/904,271 | 07/11/2001 | Hawley K. Rising III | 020699-002500US | 2025 |

| 8791 | 7590 | 08/09/2005 | EXAMINER |
|---|---|---|---|

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| | EXAMINER |
|---|---|
| | CATHEY II, PATRICK H |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2613 | |

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/904,271 | RISING ET AL. |
| | **Examiner** | **Art Unit** | |
| | Patrick H. Cathey II | 2613 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-29* is/are pending in the application.
   4a) Of the above claim(s) *6, 15 and 29* is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-5, 7, 10-14, 16 and 19-24* is/are rejected.
7)☒ Claim(s) *8, 9, 17, 18, 25 and 26* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

## DETAILED ACTION

Applicant's arguments with respect to claim's 1, 10 and 19 have been considered but are moot in view of the new ground(s) of rejection.

The addition of including a decoding codebook being generated in the translation of MPEG-7 DDL into the first ADL has been viewed as unpatentable with regarding the additional teachings of Hoffberg et al. (Column 16, lines 22-42). In addition to the obvious reasons stated below in the rejection, a codebook was never mentioned in the specification of the disclosure. This shows that the use of a codebook when used in the process of decoding can be viewed as inherent and not necessary to be described in detail within a specification but still used in the limitations of the claims.

### *Allowable Subject Matter*

Claims 8-9, 17-18 and 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7, 10-14, 16, 19-24, and 27-28 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Davidson (US 6,083,276) in view of Huang (US 6,593,936)

and in further view of Hoffberg et al. (US 6,400,996).

As for claims 1, 4,10, and 13, Davidson teaches of receiving, by the first client,

the binary communication of the first ADL; translating, by the first client, the binary

communication into the first ADL, and an XSLT (XML-style translation) document for

translating MPEG-7 DDL into the first ADL (Column 6, Lines 39-58).

Davidson does not explicitly teach of the binary communication being translated

using a frequency table as well, however, Huang does (Note: Huang teaches of the use

of MPEG-7 to describe the multimedia content of an MPEG-4 datastream and since the

MPEG-7 data is located with the audiovisual material it is encoded and decoded the

same way, therefore it is inherent that a frequency table will be need with use in a VLC

(Variable Length Coder) or VLD (Variable Length Decoder) or Huffman coder, Column

5, Lines 62-67 and Column 6, Lines 1-54). It would have been obvious to one of

ordinary skill in the art at the time of the invention to use a frequency table along with

the xslt document because the ADL file needs the MPEG-7 data carried in the

multimedia data stream (MPEG-4) in order to decode the descriptors coded into the

ADL file and in order to obtain the MPEG-7 data a VLD must be used to decode the

multimedia data stream and a VLC must be used to code the ADL into the binary

stream.

Davidson and Huang both fail to specifically teach translating using a decoding

codebook generated using a frequency table, but Hoffberg et al. does (Column 16, lines

22-42). Since the use of codebooks is known to be used with decoding in order to decode the data properly, it would have been obvious to one of ordinary skill to use a codebook when decoding the coded information in order read the coded information correctly.

As for claims 2 and 11, Davidson does not explicitly teach of generating the first ADL from the MPEG-7 DDL, however, it would have been obvious to one or ordinary skill in the art at the time of the invention because the ADL is simply a specific set of DDL's (i.e. a group of description schemes) that are specific to an application. (Official Notice)

As for claims 3 and 12, Davidson teaches of generating, by the server, the XSLT document (Column 6, Lines 39-49).

As for claims 5 and 14, Davidson does not explicitly teach of downloading the frequency table and the XSLT document prior to receiving the binary communication, however, Huang does (Column 6, Lines 48-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the frequency table and XSLT document stored remotely in order to allow for lower bandwidth use so that all communications do not have to occur at once.

As for claims 7 and 16, Davidson does not explicitly teach of communication information carried by the binary communication to a second client via the server, however, Huang does (Column 12, Lines 64-67 and Column 13, Lines 1-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to allow

the binary communication to be sent to multiple clients in order for multiple users to access or see the data at the same instance.

As for claims 19 and 24, Davidson does not explicitly teach of communication information carried by the binary communication to a second client via the server, however, Huang does (Column 12, Lines 64-67 and Column 13, Lines 1-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the binary communication to be sent to multiple clients in order for multiple users to access or see the data at the same instance.

As for claims 20-23 and 27, most of the limitations of the claim have been discussed in the above rejection of claim 19. Davidson teaches of translating, by the first client, the binary communication into the first ADL, and an XSLT (XML-style translation) document for translating MPEG-7 DDL into the first ADL (Column 6, Lines 39-58). Davidson does not explicitly teach of the binary communication being translated using a frequency table as well, however, Huang does (Note: Huang teaches of the use of MPEG-7 to describe the multimedia content of an MPEG-4 datastream and since the MPEG-7 data is located with the audiovisual material it is encoded and decoded the same way, therefore it is inherent that a frequency table will be need with use in a VLC (Variable Length Coder) or VLD (Variable Length Decoder) or Huffman coder, Column 5, Lines 62-67 and Column 6, Lines 1-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a frequency table along with the xslt document because the ADL file needs the MPEG-7 data carried in the multimedia data stream (MPEG-4) in order to decode the descriptors coded into the

ADL file and in order to obtain the MPEG-7 data a VLD must be used to decode the multimedia data stream and a VLC must be used to code the ADL into the binary stream.

As for claim 28, most of the limitations of the claim have been discussed in the above rejection of claim 27. Davidson does not explicitly teach of downloading the frequency table and the XSLT document prior to receiving the binary communication, however, Huang does (Column 6, Lines 48-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the frequency table and XSLT document stored remotely in order to allow for lower bandwidth use so that all communications do not have to occur at once.

## *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references not used in the above rejections were included because they teach additional information regarding MPEG-7 decoding procedures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Cathey II whose telephone number is (571)272-7326. The examiner can normally be reached on M-F 7:30 to 5:00 (Every other friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone

number for the organization where this application or proceeding is assigned is

(571)273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Patrick H. Cathey II
Examiner
Art Unit 2613

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